

PATENT

Serial No. 10/576,165

Amendment in Reply to Final Office Action of October 28, 2008

REMARKS

This Amendment is being filed in response to the Final Office Action mailed on October 28, 2008 which has been reviewed and carefully considered. Entry of the present amendment and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1 and 4-22 remain in this application, where claims 1, 19 and 21 are independent.

In the Final Office Action, claims 1, 7-9, 12-13, 16, and 19-22 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,526,130 (Kim). Further, claims 2-6, 11 and 14-15 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kim in view of U.S. Patent Application Publication No. 2002/0174430 (Ellis). Claims 10 and 17-18 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kim in view of U.S. Patent Application Publication No. 2006/0072354 (Ohnuma). It is respectfully submitted that claims 1 and 4-22 are patentable over Kim, Ellis and Ohnuma for at least the following reasons.

As correctly noted on page 8, paragraph one of the Final Office Action, Kim does not disclose or suggest that the desired content descriptor is already contained in a blank of the record medium, as recited in amended independent claims 1, 19 and 21. Ellis is cited in an attempt to remedy the deficiencies in Kim.

At the outset, it is noted that Ellis has 126 figures and 100 columns of text qualifying this patent as "complex". Therefore pursuant to 37 CFR 1.104, the Examiner must indicate how the reference is being applied. Since Ellis is complex, Applicants will confine their remarks to those portions cited by the Examiner, except as otherwise indicated. Applicants make no representation as to the contents of other portions of the references.

The indicated section of Ellis, namely, paragraph [0175], merely discloses that personalization information for one or more users (such as user profiles, preferences, viewing history, recording history) may be stored on set-top box 202, on personal video recorder 208, on server 112 of FIG. 1. Paragraph [0175] of Ellis is completely silent about storing any such personalization information on the very same of record medium where programs that

match the personalization information will be recorded.

It is respectfully submitted that Kim, Ellis, and combination thereof, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 19 and 21 which, amongst other patentable elements, recites (illustrative emphasis provided) :

recording said desired content on said record medium (3), wherein said desired content descriptor (3) is already contained in a blank of said record medium (2).

Storing desired content descriptor in a blank of the very same of record medium where programs that match the personalization information will be recorded is nowhere disclosed or suggested in Kim, Ellis, alone or in combination. Rather, Ellis merely discloses that personalization user information is stored on set-top box 202, on personal video recorder 208, on server 112. 1 Ohnuma is cited to allegedly show other features and does not remedy the deficiencies in Kim and Ellis.

Accordingly, it is respectfully requested that independent claims 1, 19 and 21 be allowed. In addition, it is respectfully submitted that claims 4-18, 20 and 22 should also be allowed at

least based on their dependence from independent claims 1, 19 and 21 as well as their individually patentable elements.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded. And in particular, no Official Notices are conceded.

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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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December 26, 2008

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